

## IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,	)	
	)	
Plaintiff and Respondent,	)	
	)	S120238
v.	)	
	)	Ct.App. 6 H023584
SHEA MICHAEL MODIRI,	)	
	)	Santa Clara County
Defendant and Appellant.	)	Super. Ct. No. CC079647
_____	)	

### MODIFICATION OF OPINION

#### THE COURT:

The opinion herein, appearing at 39 Cal.4th 481, is modified as follows:

The final sentence of footnote 7 (39 Cal.4th at p. 491) is modified to read as follows: “We do not address it and leave the issue to be resolved in the first instance by the Court of Appeal on remand. Among the questions the appellate court may confront are (1) whether defendant preserved a claim that the trial court responded improperly, and (2) in any event, whether the trial court abused its broad discretion in handling the matter.”

The final sentence of the conclusion (39 Cal.4th at pp. 501-502) is amended to read as follows: “The judgment of the Court of Appeal is reversed insofar as it vacated the section 1192.7(c)(8) finding that defendant personally inflicted great bodily injury in the commission of felony assault and the matter is remanded to the

Court of Appeal with directions to consider, in a manner not inconsistent with the views expressed in this opinion, defendant's argument that the trial court erred in responding to the jury's request during deliberations for "clarification of 'personal' " as used in section 1192.7(c)(8) and CALJIC No. 17.20."

These modifications affect the judgment.